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Send Change of Address Notices to: The State Bar of California Attn: Membership Records, 180 Howard Street San Francisco. CA 94105-1639

Associate Members of this Section (those who are not members of the State Bar of California) should send notices to the attention of Carol Banks. International Law Section.

The Section Newsletter will now accept paid advertisements. Please contact the Editor for further information.

In its printed form, this volume also included the roster for the International Law Section Executive Committee.



Section Activities

LETTER FROM THE CHAIR

Steven L. Smith, O'Melveny & Myers

SAVE THE DATE! The Section's annual two-day conference this year will be on "International Arbitration In Asia: Drafting Effective Provisions, Managing the Process and Enforcing Awards." It will be held on Thursday and Friday, November 9 -10, at the Hyatt Regency in San Francisco. Although the program will be organized and presented by our Section, it will be presented in cooperation with the American Bar Associations Section of International Law and Practice, the World Affairs Council of Northern California, and the Pacific Council on International Policy (the West Coast affiliate of the Council on Foreign Relations in New York).

The program will be drawing its speakers -- all leading practitioners in the area of international commercial arbitration -- from the ranks of in-house lawyers, outside counsel and academics in order to gain the benefit of their often differing approaches to the resolution of international legal issues. The program will feature speakers from California and from the worlds most established centers for international commercial arbitration, such as London, Paris, New York, Hong Kong and Singapore.

The program will focus on practical issues frequently encountered in creating international arbitration agreements and conducting international arbitrations. The conference will open with a panel on "Negotiating and Drafting of International Dispute Resolution Provisions." Leading practitioners from both private practice and in-house positions will share their perspectives on commonly encountered issues, such as choice of law, the place of arbitration, whether the arbitration is to be under the auspices of an institution or ad hoc, the rules to be used, the number of arbitrators, the extent and nature of discovery; the availability of interim relief, and the appealability of awards.

A "Corporate Counsel Roundtable on Managing International Commercial Arbitrations" will follow with experienced counsel from premier multinational corporations explaining their role in managing international disputes. The luncheon that follows will feature a prominent speaker addressing significant economic and political developments in the Asia-Pacific region.

The next panel will address "Factors to Consider in Selecting an Effective Arbitrator." During this session, some of the worlds leading arbitrators will provide an insiders view on the factors that should guide the selection of an arbitrator; including the candidates personal skills and experience in the field of international arbitration, the law governing the dispute, the culture of the parties and particular subject matter or industry at issue. The panel members will also provide their insight on the proper boundaries for; and effective handling of, interviews of arbitrator candidates.

A panel on "Arbitral Institutions in the Asia-Pacific Region" will conclude the first afternoon session of the conference. Representatives from arbitration institutions active in the Asia-Pacific region, such as the FCC, the Hong Kong International Arbitration Center and CIETAC, will discuss the nature of their caseload, the nationality and other characteristics of the parties arbitrating under their auspices, distinctive features of their

rules of arbitration and the services and facilities they provide to users.

An Evening Reception will conclude the first day of the conference and provide an opportunity to unwind with those attending the conference.

The second day of the conference will begin with a panel on "International Arbitration of Intellectual Property Disputes." This panel will feature an evaluation by leading experts of issues and problems commonly encountered in international arbitration of intellectual property disputes, including the selection and qualification of the arbitrators, the use of experts, interim measures of protection, confidentiality of technical information, the enforceability of awards granting equitable relief and the grounds and standards for challenging the award in the courts.

There will then be a panel on "ADR and Global Internet Disputes," focusing on the developing law of the Internet, with particular emphasis on jurisdiction and choice of law issues. After a luncheon address on resolution of foreign investment disputes, the final panel will provide a "Review of Enforceability of International Arbitration Awards and Key Jurisdictions in the Asia-Pacific Region." Despite near universal accession to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the countries of the Asia-Pacific region have a mixed record on the enforcement of foreign arbitral awards through their domestic courts. This panel will survey the enforcement records of key Asian jurisdictions, with emphasis on those countries where local enforcement is difficult or at best uncertain.

With the deadline for meeting the MCLE requirement looming on January 31, 2001, it is important to note that this conference will provide over 12 hours of MCLE credit. I very much hope that you will be able to join us for this important and informative event.



SECTION ACTIVITIES

YOUR JOURNAL SEEKS YOUR HELP

The California International Practitioner is the official journal of the International Law Section of the State Bar of California, distributed free to the members of the International Law Section and to other subscribers.

The International Practitioner; a non-academic publication created by practicing lawyers for practicing lawyers, publishes articles on international legal and related topics that are of general and practical interest to international lawyers in California and elsewhere. The International Practitioner actively solicits and encourages its readers, section members, and other professionals working in international areas, to contribute papers on international topics, particularly in areas in which the author has personal experience.

Submitted articles typically should be between 5 and 20 typed pages. The International Practitioner also encourages members of the International Law Section and others to submit suggestions for topics of interest for future articles and subject matter themes for future issues.

Articles, suggestions and other comments should be sent by e-mail, mail or fax to:

THE CALIFORNIA INTERNATIONAL PRACTITIONER

Attn: Brian D. Krantz, Editor-in-Chief

Email: bkrantz@prodigy.net

Mailing address: PO. Box 3624

Santa Monica, California 90408

Fax: 310-454-6482

INTRODUCE YOURSELF TO YOUR FELLOW ILS MEMBERS THROUGH THE NEWSLETTER

Starting with this issue, the Newsletter includes a new section: "Member Profiles." From just the handful of members profiled in this issue, you undoubtedly will be struck by the diverse practices (and domiciles) of our members. If you would like to be profiled, please send us a short biographical description of yourself and a description of your practice, and explain how you came to be interested or involved in the international practice of law. Based on the submissions received, the editors will select a handful to be featured in each issue. (We encourage readers to detach and retain the profiles of members who may be interesting or useful to meet.) While we welcome all submissions, please note that members of the Executive Committee will not be eligible, and members of the same firm may not be featured in the same issue of the Newsletter.

www.calbar.org/ils

And be sure to mark this address in your Hot List. On our home page, you will find membership information; current and past issues of this Newsletter; and the telephone, e-mail, and fax numbers for Executive Committee and Subcommittee members.

You will be able to run to the Section's home page to see if there are any up-to-date announcements while waiting for your next issue of the Newsletter, or even to find information about an event you saw in the Newsletter when you cannot locate your copy. If you have any other ideas for the home page, we would love to hear them.

Questions or comments may be directed via e-mail to Margaret Hastings-Hale, Sacramento, tel. 916-321-4500, fax 916-321-455, mhh@ns.net.

TELL US WHERE YOU ARE AND WHAT YOU ARE DOING

Consistent with our efforts to maintain close contact with our members and to promote contacts among members, we ask that you take a moment and provide us with updated contact information. (Please feel free to print out and fax back the form included with the Newsletter.)

Likewise, please let the Newsletter know when you have changed employment and when you are involved in significant international legal matters. We will publish such information in the Newsletter on a space-available basis.

INTERNATIONAL LAW SECTION MEMBERS Return by fax to 415/538-2368

In order to receive International Law Section new information and updates (via fax and e-mail), please complete and return this form. Your fax number and e-mail address may not be current in the State Bar records. This makes it difficult and costly for us to contact you.

In order to have your most up-to-date and accurate information, please fax back this form -- even if you previously updated your records.

Many thanks from the International Law Section Executive Committee.

Name
Bar Number
Please update my official membership record:
Fax
E-mail Address
Signature
Date

eturn by fax to: International Law Section (415) 538-2368							



Section Activities

INTRODUCE YOURSELF TO YOUR FELLOW ILS MEMBERS THROUGH THE NEWSLETTER

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While we welcome all submissions, please note that members of the Executive Committee will not be eligible, and members of the same firm may not be featured in the same issue of the Newsletter.

MEMBER PROFILES -- SUMMER 2000
Allen C. Kim / Neil Kearney / Samuel V. Kupper / Peter Valert

Name: Allen C. Kim

Firm: Graham & James LLP (Los Angeles)

Address: 801 S. Figueroa St., Suite 1400 Los Angeles, CA 90071

Telephone: 213-624-2500

Fax: 213-623-4581 E-mail: **akim@gj.com**

Education: University of California at Santa Barbara (B.S.); Georgetown (J.D. 1991)

Practice Area: International Business Litigation

Languages: Korean (native); French and German (proficient)



When he was 14, Allen's family moved from South Korea to San Jose. Allen enrolled in public school in San Jose, having only a limited knowledge of English. The sudden immersion was effective, however, and he quickly became fluent in English and in American culture. After earning a degree in economics and mathematics, he proceeded to law school at Georgetown.

Allen began his practice at O'Melveny & Myers in Los Angeles. At that time, he had no idea of what area of

practice he would settle into. During a rotation among the different practice departments at O'Melveny, however, he found that he had an interest and aptitude for litigation, particularly when it involved representing foreign clients.

Given his native fluency in Korean language and culture, Allen was quick to notice that foreign clients were often handicapped by their lack of understanding of the U.S. legal system and a limited understanding of the communications from their own lawyers. Allen points out that even apparent fluency in English by a foreign client can be deceptive, and can mask an inability to effectively communicate concerns and intentions.

Moving to Graham & James in 1994, Allen began to focus his practice on representing international clients in U.S. Litigation and arbitration. Now a partner in that firm, he is one of a very few lawyers who combine the international language and culture skills with sophisticated litigation skills.

Asked what particular challenges his practice presents, Allen points out that his clients often are foreign businesses and businessmen who acted in accordance with their own understandings and customs, but find their cases will be judged by American judges and jurors and decided according to standards of American law. This situation presents unique challenges to a litigator, both in terms of marshalling evidence and in providing confidence to clients that they will receive a fair shake. Also, being a litigator for foreign clients means undertaking the role of educator, as well.

Allen eschews the conventional wisdom of trying to overcome the foreignness of his clients and their cases when arguing to a jury. Instead, he applies his understanding of the client's perspective and culture and uses that to present the case in a way that even an American jury can understand and appreciate. As an example, one of his recent cases involved representing a Korean client in a California jury trial. The client and its witnesses were from a small city Korea and were not cosmopolitan, even by Korean standards. The trial took place in a semi-rural and highly conservative district of California, before an all-white jury. More difficult still, Allen's client was suing a local business. Allen resisted the temptation to have his clients act "American," and instead urged them to act as naturally as possible. (As a result, at the beginning of each day of trial, his clients stood and bowed to the judge and jury.) Working from a deep understanding of his client's perspectives and assumptions, Allen shaped the presentation of each fact to the jury and then explained the true significance from his clients' perspective. The result was a unanimous verdict for his client on both their complaint and on the counterclaim.

When asked what is the greatest challenge in his work, Allen laughed and quickly answered: "Representing Korean businesses and explaining to them how much there is about this country and its legal system that they still do not understand."

Name: **Neil Kearney**

Firm: Law Offices of Derek Elliott

Address: 69 Avenue Victor Hugo 75116 Paris, France

Telephone: 01 4501 57 50

Fax: 0145017829

E-mail: derekelliott@avocaweb.tm.fr

Education: Deep Springs College; la Sorbonne; Yale University (1983); Boalt Hall (JD

1987)

Practice Area: International Construction, Joint Ventures and Arbitration

Llanguages: French (spoken and written)



By the time he got to law school, Neil already knew that he wanted an international practice. He says he became "internationalized" by a college semester in Paris and the year he spent working as a paralegal at Baker & McKenzie in New York. During law school, Neil studied under Professor Riesenfeld and was a Jessup

oralist. (His team defeated Stanford, giving back to Cal some of the prestige it had squandered on the football field.)

After law school, Neil took a judicial clerkship with Chief Judge Edward Schwartz in the Southern District before joining the San Francisco office of Thelen, Marrin, Johnson & Bridges (now Thelen, Reid & Priest) as a litigation associate. There, he concentrated on international business and construction litigation, and gained his introduction to ICC arbitrations. He also worked on a federal litigation in San Francisco involving work done by a French company on a pipeline built in India, which led to his receiving an offer to join the Derek Elliott firm in Paris in 1991.

For the last nine years, Neil's practice has been completely international. During his first few years in Paris, most of his time was consumed by large, multinational arbitrations. More recently, he has seen the business practice grow, and he has handled joint venture agreements, share sale agreements, construction and engineering contracts and other matters. Many of Neil's clients are medium-sized companies who lack in-house "international counsel."

Neil admits to casting a few wistful glances over his shoulder at the silicon gold rush in California, but affirms that he is very pleased with his decision to base his practice in Paris (although he has worked in as many as a dozen countries, from England to Bangladesh to Sweden to Egypt). He has reason to be pleased, as he met and married his wife in Paris. Best of all, lawyers are still held in high esteem in France. Neil claims that instead of lawyer jokes, they have jokes about Belgians!

Name: Samuel V. Kupper, Ph.D.

Firm: Solo Practice and Teaching (Los Angeles) Address: 1550 Puebla Dr., Glendale, CA 91207

Telephone: 818-247-7772

Fax: 818-247-6222

Email SamKupper@worldnet.att.net

Education: B.A. California State University (Los Angeles); East-West Center; University of Michigan (M.A. Chinese Studies); University of Michigan (PhD. Chinese

History & Philosophy); Loyola University (JD 1977).

Practice Area: Consultant for International Trade with China Languages: Chinese

(spoken and written)

Sam is one of the fortunate few who found a way to balance his academic interests with a law practice. As with many members of the International Law Section, Sam's career as an international lawyer began with language and area studies, to which he later added a legal education.

In the 1960s, Sam's uncle was an engineer working in Taiwan. He invited Sam to come to Taiwan and the die was cast. Sam began his Chinese studies in Taiwan and then received a scholarship to study at the newly formed East-West Center in Hawaii (a member of the second class). He continued his academic at the University of Michigan, earning a Masters Degree (Chinese Studies) and a doctorate (Chinese History and Philosophy) in 1972. When he earned his law degree at Loyola and began practicing in 1983, Sam was one of only five or six lawyers in the entire U .S. who held a Ph.D. in Chinese studies.

Among law firms at that time, however, interest in China and international practice was lukewarm, to say the least. Sam says that he found it very difficult to generate any interest among law firms in the special knowledge and skills he had to offer. After practicing as a real estate attorney, however, Sam began to see trade with China expanding. With that expansion came opportunities for him to take a role.

Currently, Sam operates as a lawyer/consultant for businesses from various parts of the world, including the U.S., Central and South American, and as far away as Sri Lanka. Whatever their country of origin, however, Sam's clients come to him for the same help: how to do business in China.

Although his work involves purchases of goods from China or sales of foreign-manufactured products within China, Sam is quick to point out that his role is not that of an importer or exporter. Whereas importers often

guard jealously any information about their manufacturing facilities, Sam sees his role as acting as the bridge in a direct relationship between the Chinese manufacturer and his client. He assists his clients in selecting appropriate business partners in China and makes the necessary introductions. He then assists and advises the client in structuring the business relationship (and even the manufacturing) for maximum success. By providing clients with direct access to the Chinese business partners, Sam makes it possible for them to achieve much higher standards of quality control and to have the manufacturer participate in design engineering decisions.

His experience and reputation in this area work to benefit both sides, often forestalling disappointments or disputes. For example, one of his clients contracted for water meters to be manufactured in China and delivered in South America. Upon inspection of the first shipment, however, an unexpected problem with the design was discovered, necessitating a modification. Under normal practice, the buyer would ship the goods back to China and wait for repairs or modifications, but time was of the essence to the client. Mter Sam explained the situation, the Chinese manufacturer agreed to ship new meters immediately based only upon Sam's word that the buyer would return the others later.

Balancing out his legal and consulting work, Sam is also a professor of Chinese History, teaching at California State University at Fullerton. He adds, however, that he is always available for consultation to any legal brethren. Obviously, Sam could be a valuable resource for a number of ILS members.

Name: Peter Valert

Firm: CMS Cameron McKenna

Address: Mitre House 160 Aldersgate Street London EC 1 A 4DD

Telephone: 44(0)20 7367 3000

Fax: 44(0)20 7367 2000

E-mail: Peter.Valert@cmck.com

Education: University of California, Los Angeles; Whittier College of Law (JD, 1993)

Practice Area: International Business and Entertainment Law

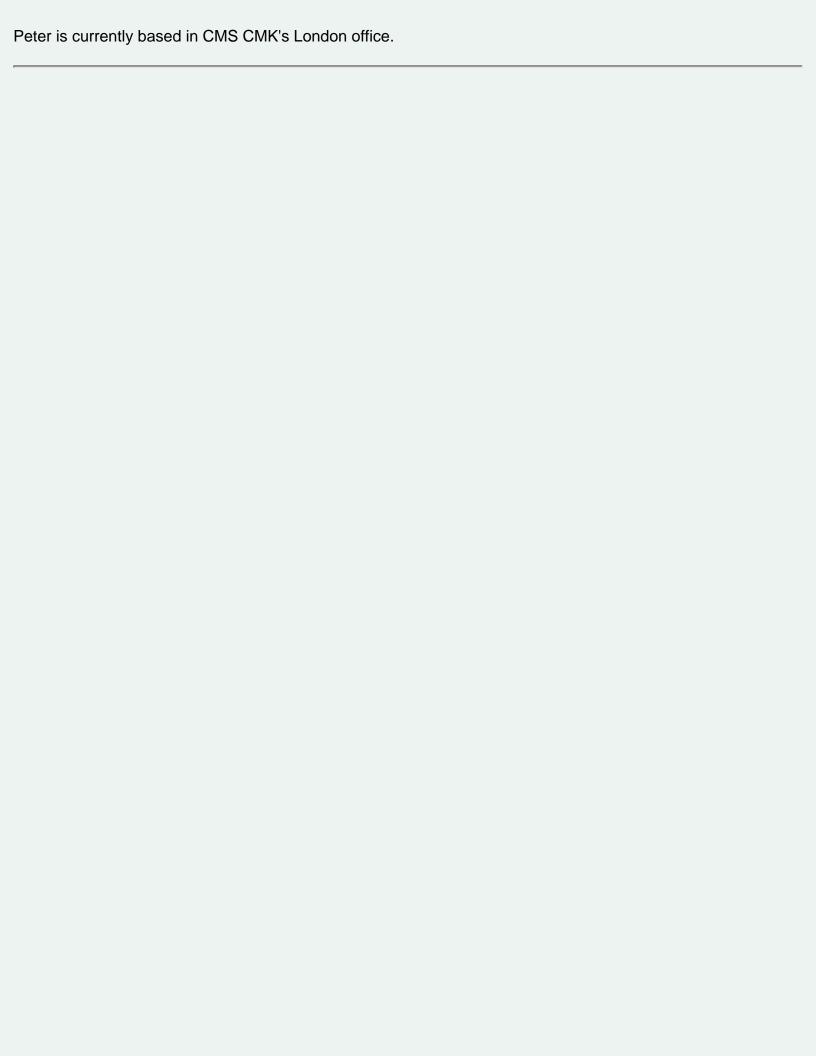
Languages: Czech (spoken and written)



Peter Valert's life has come full circle. He and his family fled Prague in 1969 when the Russians invaded. The family immigrated first to Canada, and then to the U.S. in 1974. Although Peter finished his education in Los Angeles and became a U.S. Citizen, he maintained his heritage as a Czech.

Indeed, during law school Peter developed an interest not only in international law, but also in re-establishing a connection with his homeland. During the summer of 1992, Peter was a law clerk in Prague to Chief Justice Otakar Motejl of the Czech Supreme Court (currently the Minister of Justice). After graduating and being admitted to the California Bar, Peter decided to return to the Czech Republic to pursue his legal career. His first job was in the legal department of the Foreign Ministry of the Czech Republic, assisting in drafting and interpreting international treaties and agreements. In 1995, Peter joined the Prague office of McKenna & Co. (now CMS CMK after its merger with Cameron Mark by Hewitt in 1997).

Since 1995, Peter has worked on a variety of matters, including mergers and acquisitions, joint ventures, and international litigations and arbitrations. In addition, however, Peter has been cultivating an entertainment practice focused on the Czech Republic. Building on his contacts in the entertainment industry in Los Angeles, as well as contacts in Prague, Peter has represented nearly all of the major U .S. studios as well as the Motion Picture Association of America on a variety of business and legal matters in the Czech Republic. Peter also represents a number of Czech film directors and sits on the Czech Hartley-Merrill screenwriting jury, which selects one Czech screenplay a year to send to the final Hartley-Merrill competition in the U.S.





Other Activities of Interest

CALENDAR

DATE	EVENT. LOCATION. SPONSOR	CONTACT
August 6-10, 2000	World Association for Medical Law "13th World Congress on Medical Law" Helsinki, Finland	Dr. Arthur Lewis P.O. Box 10-114 The Terrace Wellington tel (04) 384-6616 fax (04) 3846617
August 7-18, 2000	University of California, Davis "Structuring an International Joint Venture" Davis, California	International law Programs School of Law University Extension Building 1 333 Research Park Dr. Davis, CA 95616-4852 tel 001 530757 8569 fax 001 530757 8596 e-mail: law@unexmail.ucdavis.edu
September 14-17	State Bar of California 2000 Annual Meeting San Diego	http://www.calbar.org/annualmeeting
September 17-22	International Bar Association Conference Amsterdam	IBA 271 Regent St., London W1R 7PA England Tel.44-171-629-1206 Fax 44-171-409-0456 http://www.ibanet.org
November 1-3	LAWASIA Business Law Conference Singapore	Organising Committee 4th LawAsia 2000 Singapore Business Law Conference 2000 Tel 65-533-5700 Fax 65-533-4087
November 9-10	International Law Section "International Law Weekend" San Francisco	http://www.calbar.org/ils

November 18-21	Financial Law	IBA
	Sydney, Australia	271 Regent St.,
		London W1R 7PA
		England
		Tel.44-171-629-1206
		Fax 44-171-409-0456
		E-mail: confs@int-bar.org
		http://www.ibanet.org



OTHER ACTIVITIES OF INTEREST

"Structuring an International Joint Venture" University of California, Davis August 7-18, 2000

This program is designed for experienced legal practitioners who wish to learn about complex international and U.S. business and legal transactions. Participants will engage in legal planning, problem solving, decision-making and negotiations as they relate to the formation, break-up and dissolution of a major multinational joint venture.

Contact the International law Programs, School of Law, University Extension Building, 133 Research Park Drive, Davis, CA 95616-4852; tel 530-757-8569; fax 530-757-8596; email: law@unexmail.ucdavis.edu.

State Bar of California Annual Meeting San Diego September 14-1 7, 2000

The venue for this year's annual meeting moves back to San Diego. Held from September 14-17, the meeting offers abundant MCLE and networking opportunities, not to mention an abundant array of vendors. The Bar warns that hotel rooms are apt to sell out quickly, so be sure to make reservations early. For more information, check the web page at http://www.calbar.org/annualmeeting.

International Law Section
"International Law Weekend"
Hyatt Regency, San Francisco
November 9-10, 2000

Each year; the International law Section sponsors its International Law Weekend, which attracts attorneys and academicians for a weekend of discussion on current topics in both public and private international law. This year; the International Law Weekend will be held November 9-11 at the Hyatt Regency, Embarcadero in San Francisco. For more information, check the web page at http://www.calbar.org/ils.